



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### SOUTHWEST REGIONAL OFFICE

355-A Deadmore Street, Abingdon, Virginia 24210

Phone (276) 676-4800 Fax (276) 676-4899

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director

Jeffrey Hurst  
Regional Director

June 18, 2018

Mr. C.M. Mitchell  
Chairman  
Carroll-Grayson-Galax Solid Waste Authority  
P.O. Box 1837  
Hillsville, Virginia 24343

Location: Carroll County, Virginia  
Registration No.: 11598

Dear Mr. Mitchell:

Attached is a renewal Title V permit to operate your facility pursuant to 9VAC5 Chapter 80 of the Virginia Regulations for the Control and Abatement of Air Pollution. The attached permit will be in effect beginning January 14, 2019.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and/or civil charges. Please read all conditions carefully.

This permit approval to operate does not relieve Carroll-Grayson-Galax Solid Waste Authority of the responsibility to comply with all other local, state, and federal permit regulations.

In the course of evaluating the application and arriving at a final decision to renew this permit, the Department of Environmental Quality (DEQ) deemed the application complete on August 29, 2017, and solicited written public comments by placing a newspaper advertisement in the *Galax Gazette* on March 28, 2018. The thirty-day required comment period, provided for in 9VAC5-80-270, expired on April 27, 2018.

Your facility is subject to the New Source Performance Standards (NSPS) of 40 CFR 60, Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills. To review the referenced NSPS, the US Government Publishing Office maintains the text of these rules at [www.ecfr.gov](http://www.ecfr.gov), Title 40, Part 60.

Mr. C.M. Mitchell  
June 18, 2018  
Page 2

The Board's Regulations as contained in Title 9 of the Virginia Administrative Code 5-170-200 provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this case decision notice was mailed or delivered to you. Please consult the relevant regulations for additional requirements for such requests.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

Mr. David K. Paylor, Director  
Department of Environmental Quality  
P. O. Box 1105  
Richmond, VA 23218

If this permit was delivered to you by mail, three days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this permit, please call me at (276) 676-4835.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Feagins', written over a large, stylized, scribbled-out mark.

Rob Feagins  
Air Permit Manager

GRF/ABM/11598VA.FNL-19

Attachment: Permit

cc: Director, OAPP (electronic file submission)  
Director, Office of Permits and Air Toxics (3AP10), U.S. EPA, Region III (electronic file submission)



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### Federal Operating Permit

#### Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9VAC5-80-50 through 9VAC5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Carroll-Grayson-Galax Solid Waste Authority
Facility Name:	Carroll-Grayson-Galax Regional Landfill
Facility Location:	162 Landfill Road, Hillsville, Virginia 24343
Registration Number:	11598
Permit Number:	SWRO11598

This permit includes the following programs:

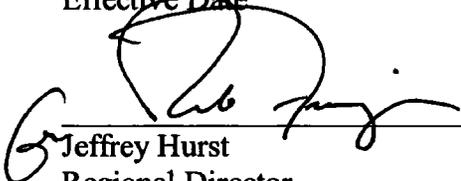
#### Federally Enforceable Requirements - Clean Air Act (Pages 3 through 15)

January 14, 2019

Effective Date

January 13, 2024

Expiration Date



\_\_\_\_\_  
Jeffrey Hurst  
Regional Director

June 18, 2018

Signature Date

Table of Contents, 1 page  
Permit Conditions, 13 pages

**Table of Contents**

**FACILITY INFORMATION ..... 1**  
**EMISSION UNITS ..... 2**  
**LANDFILL REQUIREMENTS ..... 3**  
**INSIGNIFICANT EMISSION UNITS ..... 7**  
**PERMIT SHIELD & INAPPLICABLE REQUIREMENTS ..... 7**  
**GENERAL CONDITIONS ..... 8**

## Facility Information

### Permittee

Carroll-Grayson-Galax Solid Waste Authority  
P.O. Box 1837  
Hillsville, Virginia 24343

### Responsible Official

Mr. C. M. Mitchell  
Chairman

### Facility

Carroll-Grayson-Galax Regional Landfill  
162 Landfill Road  
Hillsville, Virginia 24343

### Contact Person

Mr. Allen Lawson  
Director of Solid Waste Operations  
(276) 728-4907

**County-Plant Identification Number:** 51-035-00087

**Facility Description:** NAICS 562212 - The Carroll-Grayson-Galax Regional Landfill facility consists of two landfill units located on contiguous property and separated by landfill haul roads. Each landfill unit accepts only municipal solid waste (MSW), and construction and demolition debris.

The first landfill unit, Landfill #1, Solid Waste Permit Number 508, accepted waste from 1987 until December 12, 2012. Landfill #1 is no longer accepting waste and received final closure status on June 17, 2014. DEQ issued a certificate to operate on March 16, 2010, for the second landfill unit, Landfill #2, Solid Waste Permit Number 605, and this unit is currently accepting waste. Total permitted capacity of the facility including both landfill units is 3,381,780 cubic meters. Based on a reported compaction of 1,250 pounds per cubic yard, the calculated mass capacity of the facility is 2,508,050 megagrams. Currently, there is no landfill gas (LFG) collection and control system in place for either landfill unit.

Emissions from the landfill units include non-methane organic compounds (NMOC), volatile organic compounds (VOC), hazardous air pollutants (HAP), and fugitive dust. This source is located in an attainment area for all pollutants, and is a Prevention of Significant Deterioration (PSD) minor source. The facility is permitted under a minor New Source Review (NSR) permit issued on August 20, 2008.

**Emission Units**

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Municipal Solid Waste Landfill</b>							
ES-1	----	Landfill #1, Solid Waste Permit No. 508	1,137,663 m <sup>3</sup>	----	----	----	August 20, 2008 minor NSR permit
	----	Landfill #2, Solid Waste Permit No. 605	2,244,117 m <sup>3</sup>				
ES-2	----	Landfill surface and haul roads	----	Wet suppression	----	Fugitive dust	August 20, 2008 minor NSR permit

\*The Size/Rated capacity, and PCD efficiency is provided for informational purposes only, and is not an applicable requirement.

**Landfill Requirements - (emission unit ID: ES-1 and ES-2)**

1. **Process Equipment Requirements - (ES-1) - Limitations** - The design capacity of the MSW landfill is 3,381,780 cubic meters. A change in the design capacity may require a permit to modify and operate.  
(9 VAC 5-80-110 and Condition 2 of the minor NSR permit dated 8/20/08)
2. **Process Equipment Requirements - (ES-1) - Limitations** - Unless Tier 2 or Tier 3 sampling demonstrates that the NMOC emission rate for the MSW landfill is less than 50 megagrams per year, the permittee shall, within 30 months of the first annual emission rate report in which the emission rate equals or exceeds 50 megagrams per year, install and operate an LFG collection and control system which:
  - a. Is designed to handle the maximum expected gas flow rate from the entire area of the landfill;
  - b. Collects gas from each area, cell or group of cells in which initial solid waste has been in place for a period of:
    - (i) Five years or more if active; or
    - (ii) Two years or more if closed or at final grade;
  - c. Collect gas at a sufficient extraction rate;
  - d. Is designed to minimize off-site migration of subsurface gas;
  - e. Reduces NMOC by 98 weight-percent or, for an enclosed combustion device, either reduces NMOC by 98 weight-percent or reduces the outlet concentration to less than 20 ppmv, dry, as hexane, at 3% oxygen.
  - f. Maintains the methane concentration at the surface of the landfill at less than 500 ppmv above the background level.(9 VAC 5-80-110, 40 CFR 60.752(b)(2)(ii) and Condition 3 of the minor NSR permit dated 8/20/08)
3. **Process Equipment Requirements - (ES-1 and ES-2) - Limitations** - Dust from grading, cell construction, waste compaction, application of daily cover, storage piles and traffic areas shall be controlled by wet suppression or equivalent (as approved by the DEQ) control measures.  
(9 VAC 5-80-110 and Condition 4.a. of the minor NSR permit dated 8/20/08)
4. **Process Equipment Requirements - (ES-1 and ES-2) - Limitations** - Except where this permit is more restrictive than the applicable requirement, the MSW landfill shall be constructed and operated in compliance with the requirements of 40 CFR 60, Subpart WWW.  
(9 VAC 5-80-110 and Condition 6 of the minor NSR permit dated 8/20/08)

5. **Process Equipment Requirements - (ES-1 and ES-2) - Limitations** - The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions:
- a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
  - b. Maintain an inventory of spare parts.
  - c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
  - d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures, prior to their first operation of such equipment. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five (5) years and shall be made available to DEQ personnel upon request.

(9 VAC 5-80-110 and Condition 22 of the minor NSR permit dated 8/20/08)

6. **Process Equipment Requirements - (ES-1 and ES-2) - Monitoring and Recordkeeping** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:
- a. Current maximum design capacity, current amount of refuse in place, and year by year refuse accumulation rates.
  - b. Description, location, amount, and placement date of all non-degradable refuse including asbestos and demolition refuse placed in landfill areas which are excluded from landfill gas estimation.
  - c. Scheduled and unscheduled maintenance, and operating training in accordance with Condition 5 of this permit.

These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110, 40 CFR 60.758 and Conditions 7 and 22 of the minor NSR permit dated 8/20/08)

7. **Process Equipment Requirements - (ES-1 and ES-2) - Testing** - The MSW landfill shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. This includes constructing the facility/equipment such that pollutant emission rates can be accurately determined by applicable test methods. Sampling ports shall be provided when requested at the appropriate locations and safe sampling platforms and access shall be provided.
- (9 VAC 5-80-110 and Condition 5 of the minor NSR permit dated 8/20/08)

8. **Process Equipment Requirements - (ES-1 and ES-2) - Testing** - The permittee shall retest, at least once every five years, the site-specific NMOC concentration in accordance with the methods specified in 40 CFR 60.754. The details of the tests shall be arranged with the Director, Southwest Regional Office. One copy of the test results shall be submitted to the Southwest Regional Office within 45 days after test completion. (9 VAC 5-80-110, 9 VAC 5-50-30, 40 CFR 60.754(a)(3)(iii) and Condition 11 of the minor NSR permit dated 8/20/08)
9. **Process Equipment Requirements - (ES-1 and ES-2) - Reporting** - No later than April 15 of each year the permittee shall submit an annual NMOC emission rate report to the Director, Southwest Regional Office. The NMOC emission rate shall be calculated in accordance with the procedures contained in 40 CFR 60.754(a) or (b), as applicable. The report shall include all data, calculations, sample reports and measurements used to estimate the emissions. One copy of the annual NMOC emission report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 16 of this permit. (9 VAC 5-80-110, 40 CFR 60.757(b) and Conditions 8 and 11 of the minor NSR permit dated 8/20/08)
10. **Process Equipment Requirements - (ES-1 and ES-2) - Reporting** - If, using a site-specific NMOC concentration, the NMOC emission rate is equal to or exceeds 50 megagrams per year, the permittee shall:
- Submit an LFG collection and control system design plan to the Director, Southwest Regional Office, or
  - Within one year of the first calculated emission rate exceeding 50 megagrams per year, demonstrate using a site-specific methane generation constant (k), as provided in Tier 3 in 40 CFR 60.754(a)(4), that NMOC emissions do not equal or exceed 50 megagrams per year, submit a revised NMOC emission rate report to the Director, Southwest Regional Office and resume annual NMOC emission rate reporting.
- One copy of the LFG collection and control system design plan shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition 16 of this permit. (9 VAC 5-80-110, 40 CFR 60.757(c) and Condition 12 of the minor NSR permit dated 8/20/08)
11. **Process Equipment Requirements - (ES-1 and ES-2) - Reporting** - The LFG collection and control system design plan required by Condition 10 of this permit shall be submitted to the Director, Southwest Regional Office, within one year after submitting the NMOC emission rate report required in Condition 9 of this permit, reporting an NMOC emission rate which equals or exceeds 50 megagrams per year. (9 VAC 5-80-110, 40 CFR 60.752(b)(2) and Condition 13 of the minor NSR permit dated 8/20/08)

12. **Process Equipment Requirements - (ES-1 and ES-2) - Reporting** - If the permittee is required to install an LFG collection and control system according to the provisions of 9 VAC 5-50-410 Subpart WWW, the permittee shall apply for a solid waste permit amendment in accordance with Part VII (9 VAC 20-80-480 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations).  
(9 VAC 5-80-110 and Condition 14 of the minor NSR permit dated 8/20/08)
13. **Process Equipment Requirements - (ES-1 and ES-2) - Reporting** - If the permittee is required to install an LFG collection and control system according to the provisions of 9 VAC 5-50-410 Subpart WWW, the permittee shall apply for a Title V operating permit modification within 90 days of date of approval of the gas collection and control plan.  
(9 VAC 5-80-110, 9 VAC 5-80-230 and Condition 15 of the minor NSR permit dated 8/20/08)
14. **Process Equipment Requirements - (ES-1 and ES-2) - Reporting** - Within 30 days of the date the MSW landfill stopped accepting waste, the permittee shall submit a closure report to the Director, Southwest Regional Office.  
(9 VAC 5-80-110, 40 CFR 60.757(d) and Condition 16 of the minor NSR permit dated 8/20/08)
15. **Process Equipment Requirements - (ES-1 and ES-2) - Reporting** - The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Director, Southwest Regional Office by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the DEQ.  
(9 VAC 5-80-110, 9 VAC 5-80-340 C and Condition 17 of the minor NSR permit dated 8/20/08)
16. **Process Equipment Requirements - (ES-1 and ES-2) - Reporting** - The permittee shall send copies of reports required in Conditions 9 and 10 of this permit to the U.S. Environmental Protection Agency at the following address:  

Associate Director  
Office of Air Enforcement (3AP10)  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

  
(9 VAC 5-80-110 and Conditions 8, 11 and 12 of the minor NSR permit dated 8/20/08)

**Insignificant Emission Units**

17. **Insignificant Emission Units** - The following emission units at the facility are identified in the application as insignificant emission units under 9VAC5-80-720:

<b>Emission Unit No.</b>	<b>Emission Unit Description</b>	<b>Citation</b>	<b>Pollutant(s) Emitted (9VAC5-80-720B)</b>	<b>Rated Capacity (9VAC5-80-720C)</b>
-----	Office building natural gas fired space heater	9 VAC 5-80-720 A	-----	-----
-----	Two natural gas-fueled space heaters located in maintenance garage	9 VAC 5-80-720 A	-----	-----

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9VAC5-80-110. (9VAC5-80-110)

**Permit Shield & Inapplicable Requirements**

18. **Permit Shield & Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

<b>Citation</b>	<b>Title of Citation</b>	<b>Description of Applicability</b>
None Identified		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9VAC5-80-110 and 9VAC5-80-140)

## General Conditions

19. **General Conditions - Federal Enforceability** - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.  
(9VAC5-80-110)
20. **General Conditions - Permit Expiration** - This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9VAC5-80-80, the right of the facility to operate shall be terminated upon permit expiration.  
(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)
21. **General Conditions - Permit Expiration** - The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.  
(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)
22. **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9VAC5 Chapter 80, until the Board takes final action on the application under 9VAC5-80-150.  
(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)
23. **General Conditions - Permit Expiration** - No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9VAC5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9VAC5 Chapter 80.  
(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)
24. **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application under section 9VAC5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9VAC5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.  
(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)

25. **General Conditions - Permit Expiration** - The protection under subsections F.1 and F.5 (ii) of section 9VAC5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9VAC5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.  
(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)
26. **General Conditions -Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
- The date, place as defined in the permit, and time of sampling or measurements;
  - The date(s) analyses were performed;
  - The company or entity that performed the analyses;
  - The analytical techniques or methods used;
  - The results of such analyses; and
  - The operating conditions existing at the time of sampling or measurement.  
(9VAC5-80-110)
27. **General Conditions -Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
(9VAC5-80-110)
28. **General Conditions -Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:
- The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
  - All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
    - Exceedances of emissions limitations or operational restrictions;
    - Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
    - Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9VAC5-80-110)

29. **General Conditions - Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:
  - a. The time period included in the certification. The time period to be addressed is January 1 to December 31;
  - b. The identification of each term or condition of the permit that is the basis of the certification;
  - c. The compliance status;
  - d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
  - e. Consistent with subsection 9VAC5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
  - f. Such other facts as the permit may require to determine the compliance status of the source; and
  - g. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3\_APD\_Permits@epa.gov

(9VAC5-80-110)

30. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Southwest Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 30 of this permit.  
(9VAC5-80-110 F. 2)

31. **General Conditions - Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall no later than four daytime business hours after the malfunction is discovered, notify the Southwest Regional Office such failure or malfunction and within 14 days provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9VAC5-40-50 C and 9VAC5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9VAC5-40-40 and 9VAC5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Southwest Regional Office.  
(9VAC5-80-110 and 9VAC5-20-180)
32. **General Conditions - Severability** - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.  
(9VAC5-80-110)
33. **General Conditions - Duty to Comply** - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.  
(9VAC5-80-110)
34. **General Conditions - Need to Halt or Reduce Activity not a Defense** - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.  
(9VAC5-80-110)
35. **General Conditions - Permit Modification** - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9VAC5-80-50, 9VAC5-80-1100, 9VAC5-80-1605, or 9VAC5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.  
(9VAC80-110, 9VAC5-80-190 and 9VAC5-80-260)
36. **General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9VAC5-80-110)
37. **General Conditions - Duty to Submit Information** - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to

determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9VAC5-80-110)

38. **General Conditions - Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9VAC5-80-80 G.  
(9VAC5-80-110)
39. **General Conditions - Duty to Pay Permit Fees** - The owner of any source for which a permit under 9VAC5-80-50 through 9VAC5-80-300 was issued shall pay permit fees consistent with the requirements of 9VAC5-80-310 through 9VAC5-80-350 in addition to an annual permit maintenance fee consistent with the requirements of 9VAC5-80-2310 through 9VAC5-80-2350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. The amount of the annual permit maintenance fee shall be the largest applicable base permit maintenance fee amount from Table 8-11A in 9VAC5-80-2340, adjusted annually by the change in the Consumer Price Index.  
(9VAC5-80-110, 9VAC5-80-340 and 9VAC5-80-2340)
40. **General Conditions - Fugitive Dust Emission Standards** - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
  - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
  - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
  - d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

- e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.  
(9VAC5-50-90, 9VAC5-80-110 and Conditions 4.b. – 4.d of the minor NSR permit dated 8/20/08)
41. **General Conditions - Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.  
(9VAC5-50-20 E and 9VAC5-80-110)
42. **General Conditions - Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9VAC5 Chapter 80, Article 1.  
(9VAC5-80-110)
43. **General Conditions - Inspection and Entry Requirements** - The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:
- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
  - b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
  - d. Sample or monitor at reasonable times' substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.  
(9VAC5-80-110)
44. **General Conditions - Reopening for Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to

expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9VAC5-80-80 F. The conditions for reopening a permit are as follows:

- a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- c. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9VAC5-80-110 D.

(9VAC5-80-110)

45. **General Conditions - Permit Availability** - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.  
(9VAC5-80-110 and 9VAC5-80-150)
46. **General Conditions - Transfer of Permits** - No person shall transfer a permit from one location to another, unless authorized under 9VAC5-80-130, or from one piece of equipment to another.  
(9VAC5-80-110 and 9VAC5-80-160)
47. **General Conditions - Transfer of Permits** - In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9VAC5-80-200.  
(9VAC5-80-110 and 9VAC5-80-160)
48. **General Conditions - Transfer of Permits** - In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9VAC5-80-200.  
(9VAC5-80-110 and 9VAC5-80-160)
49. **General Conditions - Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9VAC5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.  
(9VAC5-80-110, 9VAC5-80-190 C and 9VAC5-80-260)

50. **General Conditions - Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit. (9VAC5-80-110 and 9VAC5-80-80 E)
51. **General Conditions - Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F. (9VAC5-80-110 and 40 CFR Part 82)
52. **General Conditions - Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150). (9VAC5-60-70 and 9VAC5-80-110)
53. **General Conditions - Accidental Release Prevention** - If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68. (9VAC5-80-110 and 40 CFR Part 68)
54. **General Conditions - Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit. (9VAC5-80-110)
55. **General Conditions - Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
- a. All terms and conditions required under 9VAC5-80-110, except subsection N, shall be included to determine compliance.
  - b. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
  - c. The owner shall meet all applicable requirements including the requirements of 9VAC5-80-50 through 9VAC5-80-300. (9VAC5-80-110)